

ties to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Signing of Resolution

The President signed in the presence of the Senate, after its caption had been read, the following enrolled resolution:

H. C. R. No. 34, Providing for a joint session to hear the a capella choir of the North Texas State Teachers College.

Meeting of Committee of the Whole Senate

At 11:00 o'clock a. m., the Senate resolved itself into the Committee of the Whole Senate (in accordance with a motion adopted on yesterday) to continue the examination and hearing of the State Auditor.

Senator Cotten, at the request of the President, acted as Chairman of the Committee of the Whole.

The Committee rose at 12:00 o'clock, meridian.

In the Senate

President Pro Tempore Cotten called the Senate to order as in legislative session at 12:05 o'clock p. m.

Adjournment

On motion of Senator Martin, the Senate, at 12:05 o'clock, p. m., adjourned until 10:00 o'clock a. m. tomorrow.

NINETEENTH DAY

(Thursday, February 13, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
February 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 124, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the 'Social Security Account'; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumulated; repeal-

ing all laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be not printed, due to advanced printing ordered by the Senate heretofore.

AIKIN, Chairman.

Austin, Texas,
February 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 52, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Agricultural and Mechanical College of Texas for operating expenses of the wool scouring plant at said college; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We your Committee on Finance, to whom was referred

S. B. No. 18, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1942, and August 31, 1943, to aid said district in making the necessary surveys and preparing the necessary plans for its construction program; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Kelley submitted the following report:

Austin, Texas,
February 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 165, A bill to be entitled "An Act granting to the City of

Corpus Christi, Texas, all right, title and interest of the State of Texas to certain land hitherto submerged by the waters of Corpus Christi Bay; ratifying and confirming exchanges and conveyances of property within the area to certain private owners; reserving the minerals unto the State; declaring that the Act shall be cumulative of former grants and authorities; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Weinert:

S. B. No. 142, A bill to be entitled "An Act amending Chapter 8, Article 149, of the Revised Civil Statutes, of the State of Texas, by adding a new Section to be numbered 149H, authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain an agricultural experiment station for the purpose of making scientific investigations and experiments in the study of poultry problems with particular emphasis on the study of problems relating to the scientific production of broilers and fryers in the South-Central Texas region, said station to be located in Gonzales County, authorizing said board of directors to secure a suitable site for the location of said experiment station, authorizing said board of directors to accept donations of land, money, or anything of value for the establishment and maintenance of said station, authorizing the use of any donation or appropriations placing the supervision of said station under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas, providing the manner in which said experimental station shall be operated and conducted; and declaring an emergency."

To Committee on State Affairs.

By Senator Moffett:

S. B. No. 143, A bill to be entitled "An Act amending Article 768 of the

Code of Criminal Procedure of the State of Texas of 1925, as amended by S. B. No. 261, Chapter 86, page 129, Acts of the Regular Session of the Forty-second Legislature, 1931, vesting in trial judges discretionary authority to credit defendants in criminal cases with the time spent in jail awaiting trial; and providing and vesting in trial judges discretionary authority to credit defendants in criminal cases with time spent in jail after trial and conviction, in all cases where defendants fail to give bond or enter into recognizance; providing such discretion shall not apply in cases where bond and/or recognizance is not permitted by law; and declaring an emergency."

To Committee on Criminal Jurisprudence.

Senate Concurrent Resolution 15

Senator Moffett offered the following resolution:

S. C. R. No. 15, Authorizing the lending by the State Highway Department of guard wire to the Park System of the City of Seymour.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Baylor County, and adjacent counties; and

Whereas, The City of Seymour anticipates a large number of people attending athletic meets to be held there during the Spring and Summer of this year; and

Whereas, It will be necessary, and of much importance to the city authorities of said City of Seymour to fence the grounds where said meets will be held; and

Whereas, It would be a great accommodation to said City of Seymour and its park system if the State Highway Department were permitted to lend said city the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the City of Seymour sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said city to return such wire upon the request of the State Highway Department, and it is so resolved.

The resolution was read, and on motion of Senator Moffett and by

unanimous consent, it was considered immediately.

The resolution was adopted.

Appointments Announced

The President announced the appointment of the following members of the Senate to fill vacancies on the Joint Legislative Committee created by virtue of H. B. No. 933, Acts of the Forty-sixth Legislature: Senators Hill and Kelley.

The President announced the appointment of the following committee pursuant to the provisions of S. R. No. 7: Senators Fain, Isbell, Martin, Moffett and Smith.

The President announced the appointment of the following committee pursuant to the provisions of S. R. No. 5: Senators Moore, Weinert, Brownlee, Shivers and Aikin.

Concurrence in House Amendment to Senate Bill No. 97

Senator Mauritz called S. B. No. 97 from the President's table for consideration of the House amendment to the bill.

The President laid the bill before the Senate, and the House amendment was read.

Question—Shall the Senate concur in the House amendment?

The Senate concurred in the House amendment by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Senate Bill 103 on Engrossment

(Unfinished Business)

The President laid before the Senate, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 103, A bill to be entitled "An Act to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities; and declaring an emergency."

Question—Shall the bill be passed to engrossment?

On motion of Senator Moore, the bill was re-committed to the Committee on Civil Jurisprudence.

Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 97, A bill to be entitled "An Act authorizing navigation districts created under any of the provisions of the Constitution or laws of this State in addition to the powers heretofore conferred by law to acquire, extend, construct, repair, build, develop and maintain certain improvements in aid of deep water navigation without taxation and to borrow money therefor from the Federal Government or any other source and to

issue and deliver evidences of such indebtedness payable only out of the net revenues of the district and to encumber any of the properties and facilities and revenues of the district including those for which the funds are borrowed, all as additional security providing remedies in case of default, to grant to the purchaser of said properties at foreclosure sale a franchise under stipulated terms and for not more than twenty years, and to enter into all necessary agreements to carry out the provisions hereof, providing that this Act shall not be construed as repealing any other laws of this State applicable to the subject matter hereof, providing for methods of procedure in creating the indebtedness and encumbering the properties to secure the same; and declaring an emergency."

H. B. No. 109, A bill to be entitled "An Act to amend Article 2955 of the Revised Statutes of the State of Texas, 1925, relating to qualifications to vote."

H. B. No. 198, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton, Shackelford and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act providing for a closed season on the taking of wild deer for a period of five years in the Counties of Motley, Floyd, Briscoe, Cottle, Hall, Childress, Dickens, Borden, Stonewall, Garza, Kent and Scurry; repealing all laws insofar as they conflict with this Act; providing for a suitable penalty; and declaring an emergency."

H. B. No. 217, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Stephens and Palo Pinto Counties for a period of four (4) years from and after the passage of this Act; providing a penalty therefor; providing for the protection of crops, pastures and gardens being destroyed by deer; and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than six, thousand, one hundred (6,100), and

not more than six thousand, one hundred eighty (6,180), and in counties having a population of not less than nine thousand, four hundred (9,400), and not more than nine thousand, six hundred (9,600), according to the last preceding Federal Census, to allow each county commissioner and county judge certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act to amend Section 1 of Article 2351a of the Revised Civil Statutes of Texas of 1925, the same being H. B. No. 427, Acts 1937, of the Forty-fifth Legislature, Regular Session, by providing for the addition thereto of counties having not less than six thousand, one hundred (6,100) and not more than six thousand, one hundred and eighty (6,180), according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 276, A bill to be entitled "An Act to prohibit the use in all lakes and streams situated in Nolan County, Texas, all certain devices for catching fish; to limit the size and number of fish to be caught; to prohibit the taking of any fresh-water fish during the months of February, March or April; providing the use of minnow seines of not more than twenty (20) feet in length for the purpose of taking minnows for bait; prohibiting persons other than the owner from entering upon or fishing from rafts, piers or boats; providing a penalty; and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act amending Section 1 of an Act known as H. B. No. 965, of the Regular Session of the Forty-sixth Legislature, page 336, (1939), which latter Act creates the Rockport Wildlife Sanctuary, so as to re-define the boundaries of said sanctuary; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act applicable to the County of Concho, State of Texas, prohibiting the transportation of minnows taken in said county beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said county; providing legal length of catfish in said county; providing penalties for any violation of this Act; and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act making it unlawful to kill

or attempt to kill wild turkey or trap or molest same in Colorado, Wharton, Lavaca and Jackson Counties for a period of four years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 306, A bill to be entitled "An Act providing an open season for doves in Lamar County; and declaring an emergency."

H. B. No. 314, A bill to be entitled "An Act granting the commissioners' court of Burnet County permission to pay out of the General Fund of said county, bounties for the destruction of rattlesnakes and predatory animals; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act authorizing the commissioners' court in certain counties to allow each county commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a special road law for Lamb County, Texas, being Chapter 407 of the General and Special Laws passed by the Forty-fourth Legislature, at its First Called Session in 1935, by adding thereto four new Sections, authorizing Lamb County to fund or refund the warrant indebtedness outstanding against its road and bridge fund as of January 21, 1941, by the issuance of refunding bonds, and setting forth the method of operation; validating all acts of the commissioners' court and of the county officials in authorizing, executing and delivering said warrants; providing that this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding or refunding of bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict herewith; and declaring an emergency."

H. C. R. No. 37, Providing that the House of Representatives and the Senate join with the American Legion and other patriotic organizations in the exercise on March 2, 1941, at old Washington-on-the-Brazos.

S. C. R. No. 15, Authorizing the lending by the State Highway Depart-

ment of guard wire to the Park System of the City of Seymour.

(With amendments.)

H. C. R. No. 39, Granting privilege to adjourn from Thursday, February 13, 1941, until Monday, February 17, 1941.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 72, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by County Boards of Trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of the voters in such district, and providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation or where suit or litigation is filed with reference thereto within forty-five (45) days after the effective date of this Act; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; validating all proceedings and acts of said Boards of Trustees; validating all bonds voted, authorized and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions; and declaring an emergency."

S. B. No. 97, A bill to be entitled "An Act amending Section 9 of Article

IV of Chapter 495 of the Acts of the Third Called Session of the Forty-fourth Legislature, as amended by S. B. No. 24, Chapter V, Acts of the Forty-sixth Legislature, so as to exempt instruments, notes, or other obligations taken by or on behalf of State Banking Corporations; and declaring an emergency."

S. B. No. 110, A bill to be entitled "An Act providing that no county having a population of not less than twenty-five thousand, four hundred seventy (25,470), nor more than twenty-five thousand, nine hundred fifteen (25,915) according to the last preceding, or future Federal Census, shall have a county auditor; abolishing the office of county auditor in any such county; and declaring an emergency."

Message from the Governor

Mrs. Margaret McDuffie, Assistant Secretary to the Governor, was announced by the Doorkeeper, and was recognized by the President, to present the following message:

Austin, Texas,

February 10, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Casualty Insurance Commissioner, for a six year term beginning February 10, 1941, and expiring February 10, 1947:

Joseph P. Gibbs of Seguin, Guadalupe County.

Respectfully submitted,

W. LEE O'DANIEL,

Governor of Texas.

The message was read and was referred to the Committee on Nominations of the Governor.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred by the President to the committees indicated:

H. B. No. 198, to Committee on Game and Fish.

H. B. No. 303, to Committee on Game and Fish.

H. B. No. 306, to Committee on Game and Fish.

H. B. No. 282, to Committee on Game and Fish.

H. B. No. 328, to Committee on Counties and County Boundaries.

H. B. No. 230, to Committee on Counties and County Boundaries.

H. B. No. 329, to Committee on Counties and County Boundaries.

H. B. No. 302, to Committee on Game and Fish.

H. B. No. 276, to Committee on Game and Fish.

H. B. No. 229, to Committee on Counties and County Boundaries.

H. B. No. 212, to Committee on Game and Fish.

H. B. No. 314, to Committee on Counties and County Boundaries.

H. B. No. 217, to Committee on Game and Fish.

H. B. No. 109, to Committee on Privileges, Suffrage and Elections.

H. B. No. 97, to Committee on Civil Jurisprudence.

Concert by Glee Club

Senator Sulak, by unanimous consent, offered at this time the following resolution:

(Senate Resolution 37)

Whereas, There are in the Capitol, Thomas R. Solomon, Professor of Political Science, of Prairie View State Normal and Industrial College, and twenty-one members of the glee club of said institution, reputed to be one of the best colored glee clubs in the South; therefore, be it

Resolved by the Senate of Texas, That Dr. Solomon and the club be extended the privilege of the floor, briefly to address the Senate and render a musical selection.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Executive Session Postponed

On motion of Senator Martin, it was agreed to hold the executive session of the Senate today at 11:10 o'clock a. m. instead of 11:00 o'clock a. m., as previously agreed to by the Senate.

Senator Sulak then presented Thomas R. Solomon and the glee club of Prairie View State Normal and Industrial College.

Professor Solomon addressed the Senate briefly, and the glee club

rendered a program of songs under the direction of its conductor, Nicholas R. Gerren.

Executive Session

At 11:10 o'clock a. m., the President announced the hour set for an executive session had arrived and he ordered the floor and galleries cleared of all those not entitled to attend the executive session and directed that all doors leading from the Senate Chamber be closed.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following reports:

Committee Room,
Austin, Texas,
February 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the State Board of Education, for a six year term expiring January 1, 1947:

Pat Hooks of Itasca, Hill County, Texas.

Have had the same under consideration, and do recommend that he be in all things confirmed.

Respectfully,
MARTIN, Chairman.

Committee Room,
Austin, Texas,
February 12, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the State Board of Pharmacy, for six year terms expiring June 14, 1945:

Russell L. Wilson of Livingston, Polk County;

B. B. Brown of Dallas, Dallas County.

To be Members of the Board of Barber Examiners, for two year terms expiring October 14, 1941:

M. O. Speir of Austin, Travis County;

E. E. Mims of Fort Worth, Tarrant County.

For a two year term expiring October 14, 1942:

O. J. Kidwell of Mineral Wells, Palo Pinto County.

To be Members of the Board of Chiropractic, for six year terms expiring August 11, 1945:

Dr. Graham A. Scuddy of Beaumont, Jefferson County;

Dr. Clifford H. Robinson of Fort Worth, Tarrant County.

For four year terms expiring August 11, 1943:

Dr. Marshall Harvey of Lubbock, Lubbock County;

Dr. Edward H. Kott of Austin, Travis County.

For two year terms expiring August 11, 1941:

Dr. Riley C. Armstrong of Houston, Harris County;

Dr. Roy C. Bates of San Antonio, Bexar County.

To be Members of the Board of Regents, Texas College of Arts and Industries, at Kingsville, for six year terms ending June 25, 1945:

R. H. Kern, Jr. of Mercedes, Hidalgo County;

Miller Ainsworth of Luling, Caldwell County;

James R. Dougherty of Beeville, Bee County.

To be a Member of the State Banking Commission, to fill unexpired term of Fred C. Branson, (appointed Member of Board of Regents of The University of Texas), term to expire September 13, 1941:

Lee Brady of Mart, McLennan County.

To be Presiding Judge of the Second Administrative Judicial District of Texas, to fill unexpired term of Judge W. C. Davis, deceased, term to expire at death, resignation or expiration of term of office as District Judge:

Max M. Rogers of Huntsville, Walker County.

To be Presiding Judge of the Seventh Administrative Judicial District to succeed Judge W. R. Chapman, term to expire at death, resignation or expiration of term of office as District Judge:

J. A. Drane of Pecos, Reeves County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

In the Senate

The President called the Senate to order as in legislative session at 1:15 o'clock p. m.

House Concurrent Resolution 39

The President laid before the Senate for consideration at this time the following resolution, received from the House today:

H. C. R. No. 39, Authorizing the House and/or Senate to adjourn from Thursday, February 13, to Monday, February 17, 1941.

The resolution was read and was adopted.

Reference of House Concurrent Resolution 37

H. C. R. No. 37, received from the House today, was laid before the Senate and was read and referred to the Committee on Military Affairs.

Report of Standing Committee on House Bill 329

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 329, A bill to be entitled "An Act to amend an Act of the Forty-fourth Legislature, creating a special road law for Lamb County, Texas, being Chapter 407, of the General and Special Laws passed by the Forty-fourth Legislature, at its First Called Session in 1935, by adding thereto four new Sections, authorizing Lamb County to fund or refund the warrant indebtedness outstanding against its Road and Bridge Fund as of January 21, 1941, by the issuance of refunding bonds, and setting forth the method of operation; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

House Bill 329 on Second Reading

Senator Formby moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 329 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

On motion of Senator Formby and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 329 at this time.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 329 on Third Reading

The President then laid H. B. No. 329 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Moore
Hazlewood	Ramsey
Hill	Shivers
Isbell	Smith
Kelley	Spears

Stone
Sulak
Van Zandt
Vick

Weinert
Winfield
York

Senate Bill 91 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 91 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 91, A bill to be entitled "An Act to declare and recognize for all tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, instrumentalities and agencies of the United States and for other purposes."

The bill was read second time.

Senator Spears offered the following amendments to the bill:

(1)

Amend the bill by striking out all below the enacting clause and inserting the following:

"Section 1. Post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, on military reservations or at Civilian Conservation Corps camps, are hereby declared to be and are recognized for all tax purposes as instrumentalities and agencies of the United States.

"Sec. 2. The provisions of the statutory law levying taxes on the sale of cigarettes within this State shall not apply to sales to or by such post, camp or unit exchanges.

"Sec. 3. If any section, sentence, clause, or part of this Act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, sentence, clause, and part thereof despite the fact that one or more sections, sentences, clauses, or parts thereof be declared unconstitutional.

"Sec. 4. The fact that the present increase in the number of the various armed components is continuing within the State at such a rapid rate and the matter of determination of such taxation requirements is constantly arising and the levy of taxes on such exchanges imposes an unjust hardship upon the individual soldier now in service of his country creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended and that the same is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted."

(2)

Amend the bill by striking out all before the enacting clause and inserting the following:

A bill to be entitled

"An Act to declare and recognize for all tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, or by or in conjunction with the Civilian Conservation Corps, instrumentalities and agencies of the United States; providing that taxes on sale of cigarettes shall not apply to sales to or by such post, camp or unit exchanges; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; and declaring an emergency and for other purposes."

On motion of Senator Spears and by unanimous consent, it was ordered that "Civilian Conservation Corps" and all references thereto be stricken out of the amendments.

The amendments (1) and (2) then were adopted severally.

The bill as amended was passed to engrossment.

Senate Bill 91 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Brownlee
Beck	Chadick

Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Spears
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Ramsey
Fain	Shivers
Formby	Smith
Graves	Spears
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

House Bill 97 Re-referred

On motion of Senator Kelley and by unanimous consent, H. B. No. 97 was re-referred from the Committee on Civil Jurisprudence to the Committee on Oil, Gas and Conservation.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time and referred by the President to the committee indicated:

By Senator Martin:

S. B. No. 144, A bill to be entitled "An Act amending Article 1133 of the Revised Civil Statutes of Texas, 1925, by changing the words 'four hundred' to 'two hundred' and providing that when a town or village may contain more than two hundred (200) and less than ten thousand (10,000) inhabitants, it may be incor-

porated as a town or village in the manner prescribed in Chapter 11, Title 28, of the Revised Civil Statutes of 1925, and any amendments thereto, and making this Act cumulative of all other laws, and providing that in the event of a conflict, the provisions of this Act shall prevail, and providing that this Act is severable; and declaring an emergency."

To Committee on Towns and City Corporations.

Reports of Standing Committees

Senator Kelley, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 67, A bill to be entitled "An Act permitting the State Board of Education to purchase and provide free text books for the teaching of the Spanish language in certain elementary grades in certain schools in certain school districts in the State of Texas; providing the manner of selecting, purchasing and distributing such books; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments hereto attached, and be printed.

KELLEY, Chairman.

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 266, A bill to be entitled "An Act amending Section 9, Chapter 14 of the Acts of the Thirty-seventh Legislature, Special Laws of the First Called Session, S. B. No. 79 so as to give compensation to the members of the Board of Equalization of the Mineral Wells Independent School District; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 126, A bill to be entitled "An Act authorizing trustees of common school districts and consolidated common school districts to make contracts with superintendents, principals, and teachers, with the approval of the county superintendent; providing for the length of time of such employment; providing that no contract may be signed until the newly elected trustees have qualified and taken the oath of office; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 259, A bill to be entitled "An Act amending H. B. No. 722, Chapter 73, General Laws of the Regular Session of the Forty-fourth Legislature so as to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than five thousand, eight hundred and fifteen (5,815), and not more than five thousand, eight hundred and thirty-five (5,835), etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Senator Shivers, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred

H. B. No. 97, A bill to be entitled "An Act authorizing navigation districts created under any of the provisions of the Constitution or Laws of this State in addition to the powers heretofore conferred by law to acquire, extend, construct, repair, build, develop, and maintain certain improvements in aid of deep water navigation without taxation; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Chairman.

Senator Lanning, by unanimous consent, submitted at this time, the following report:

Committee Room,
Austin, Texas,
February 13, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. C. R. No. 35, A resolution by the House of Representatives, the Senate concurring, that the State Highway Department of Texas be authorized to lend to the School Board of the City of Weatherford, sufficient quantities of discarded wire, said school board to return wire upon request of the State Highway Department; and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

House Concurrent Resolution 35

On motion of Senator Lanning and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended to permit consideration of H. C. R. No. 35 at this time.

The President then laid before the Senate for consideration at this time:

H. C. R. No. 35, Authorizing the State Highway Department of Texas to lend to the School Board of the City of Weatherford sufficient quantities of the discarded wire in its warehouse in Weatherford to fence the school grounds.

The resolution was read and was adopted.

Adjournment

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, February 17, 1941.

Question first recurring on the motion to adjourn until 10:00 o'clock a. m. Monday, February 17, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—18

Brownlee	Moore
Chadick	Shivers
Cotten	Smith
Formby	Spears
Isbell	Stone
Kelley	Van Zandt
Lemens	Weinert
Martin	Winfield
Moffett	York

Nays—9

Aikin	Mauritz
Graves	Metcalfe
Hill	Sulak
Lanning	Vick
Lovelady	

Absent

Beck	Hazlewood
Fain	Ramsey

The Senate, accordingly, at 1:35 o'clock p. m. adjourned until 10:00 o'clock a. m. next Monday, February 17, 1941.